

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES OF AMERICA,

-v-

ISAAC ABERGEL,

Defendant.

CRIMINAL ACTION NO.: 20mj2386

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The Court held a bail review hearing in this matter, today, April 2, 2020.

On February 29, 2020, Defendant Isaac Abergel was arrested on a complaint and, following a bail hearing, this Court ordered him detained based on risk of flight and danger to the community. On March 5, 2020, through counsel, Mr. Abergel renewed his application for release, which the Government opposed in a letter dated March 5, 2020. Following a bail review hearing on March 9, 2020, this Court denied without prejudice Mr. Abergel's application for release on bail, but indicated that there may be conditions under which the Court would be willing to reconsider his release, most importantly a structured regimen of mental health and drug treatment and stable third-party custodians.

On March 30, 2020, Mr. Abergel again renewed his application for release, presenting the Court with the following evidence: (1) information about his physical and mental health from his treating physician; (2) medical records from the Metropolitan Correctional Center ("MCC") indicating that as of March 17, 2020, he was taken off suicide watch and being housed in the general population; (3) a letter from the SAFE Foundation, Inc., confirming Mr. Abergel's admission to an outpatient mental health treatment program and detailing a regimen of

individual and group psychotherapy sessions and psychiatric evaluation; (4) additional mental health treatment to be provided by The Jewish Board Mental Health Clinic; and (5) a letter from Rabbi Abraham Salem, confirming his willingness to serve as one of Mr. Abergel's third-party custodians. The Government renewed its opposition to Mr. Abergel's release, standing on the arguments set forth in its March 5, 2020 letter.

During the telephonic bail review hearing on April 2, 2020, the third bail hearing over which the undersigned has presided in this matter, the Court heard argument from Mr. Abergel's counsel and counsel for the Government, and was informed by a representative of Pretrial Services and a social worker from Federal Defender Service. In addition, the Court understands that Mr. Abergel's mother was present on the call.

Following the hearing, after further consultation with Pretrial Services, the Court finds, pursuant to 18 U.S.C. § 3142(c), that there are conditions under which Mr. Abergel can be released from detention pending trial that will reasonably assure his appearance at future court proceedings and the safety of the community. Those conditions are as follows:

- (1) Posting of a \$50,000 bond co-signed by **two** financially responsible persons, both of whom will act as third-party custodians and be responsible to the Court for ensuring Mr. Abergel's compliance with all conditions of release. Rabbi Abraham Salem is designated as a third-party custodian, either as one of, or in addition to, the two financially responsible persons co-signing the bond.
- (2) Mr. Abergel must remain at his mother's residence at 1715 East 3d Street, Apt. 1, Brooklyn, NY 11223, and may not relocate without prior approval from Pretrial

Services. Mr. Abergel must contact his Pretrial Services Officer daily via videoconference.

- (3) Pretrial Services supervision as directed.
- (4) Travel restricted to the Southern and Eastern Districts of New York.
- (5) Surrender all travel documents and make no new applications.
- (6) Drug testing and treatment as directed.
- (7) Mental health evaluation and treatment as directed.
- (8) Mr. Abergel is not to possess any firearms, destructive devices, or other weapons.
- (9) Mr. Abergel is to refrain from the conduct alleged in the Complaint.
- (10) Mr. Abergel is to refrain from use of social media, and may use internet-connected devices only for communicating with Pretrial Services, defense counsel, family members, religious advisers, and health care professionals.
- (11) Mr. Abergel may be released once all conditions are met.
- (12) Mr. Abergel will be released from the custody of the Bureau of Prisons to the custody of Federal Defender Service, with the Assistant United States Attorney to prepare the bond.
- (13) Mr. Abergel must remain under self-quarantine for 14 days from the date of his release and must report to his Pretrial Services Officer if he or his mother exhibit symptoms of COVID-19.
- (14) Within 24 hours of Mr. Abergel's release, defense counsel must contact the Court to schedule a teleconference in which Mr. Abergel, the third-party custodians, defense counsel, and the AUSA will participate to enable the Court to advise Mr.

Abergel of the release conditions and provide warnings of the consequences of non-compliance.

Dated: New York, New York
April 2, 2020

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge